

The appellants, Balke, Basic Equipment, and Ultratec, have filed an emergency motion to stay the sale of property seized to execute the bankruptcy court's judgment in the bankruptcy adversary proceeding. (Docket Entry No. 28). Under Federal Rule of Civil Procedure 62(b), a party may receive a stay pending appeal of a money judgment as a matter of right if that party posts a sufficient supersedeas bond. FED. R. CIV. P. 62(b); *Hebert v. Exxon Corp.*, 953 F.2d 936, 938 (5th Cir. 1992); *see also* FED. R. BANKR. P. 7062. The appellants have not posted a bond. A stay is also permitted under Federal Rule of Bankruptcy Procedure 8007, which leaves to the court's discretion whether to grant a stay of a bankruptcy court's order pending appeal. FED. R. BANKR. P. 8007. Before seeking relief in the district court under Rule 8007, "a party must move first in the bankruptcy court" or "show that moving first in the bankruptcy court would be impracticable." FED. R. BANKR. P. 8007(a)(1)(A), (b)(2)(A). Because the court concludes that Balke and Basic Equipment have not shown that moving in the bankruptcy court would be

impracticable, the court denies the appellants' motion for a stay under Rule 8007, without prejudice to consideration of an appeal from any decision of the bankruptcy court on the motion for a stay.

The court orders the appellants to appear before the bankruptcy court to move for a stay of the sale. The appellants' motion for a stay is denied. (Docket Entry No. 28).

SIGNED on August 6, 2019, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal  
Chief United States District Judge